

**AMENDMENT NO. 2
TO MEMORANDUM OF AGREEMENT
BETWEEN SANTA FE COUNTY AND THE NEW MEXICO,
DEPARTMENT OF CULTURAL AFFAIRS REGARDING
A WATERLINE TO SERVE THE CENTER FOR NEW MEXICO ARCHAEOLOGY**

THIS AMENDMENT is made and entered into as of this 28th day of April, 2015, by and between **Santa Fe County** (the "County"), a political subdivision of the State of New Mexico, and the **State of New Mexico Department of Cultural Affairs** ("DCA"), an agency of the State of New Mexico.

WHEREAS, on May 30, 2012, Santa Fe County and DCA entered into Memorandum of Agreement No. 2012-0068-UT/MS ("MOA") to provide for DCA's completion of a waterline to serve the Center for New Mexico Archaeology; and

WHEREAS, the MOA provides that upon completion of the waterline, DCA will convey the waterline and appurtenances to the County to own, operate and maintain, and, in exchange, the County will refund DCA up to twenty-seven percent (27%) of the cost of DCA's construction costs and the cost of the easement plat and implement a credit to DCA's water utility account in the amount of ten thousand, two hundred-twenty dollars (\$10,220.00) for meter connection fees. The MOA further provides that DCA will assign all rights to indemnification and warranties from DCA's engineer and contractor to the County upon conveying the waterline to the County; and

WHEREAS, the MOA also provides that the County will apply to the BLM for an easement designation for the waterline; and

WHEREAS, DCA completed the waterline in May 2013 and, according to Paragraph 3 (Term), the MOA is due to expire upon the County's payment of the refund to DCA or two (2) years from the effective date of the MOA, whichever occurs first. The County has not issued the refund to DCA and approval of the County's application for a utility easement is pending with the BLM. Pursuant to Amendment No. 1 which extended the term for one (1) year, the MOA is due to expire May 30, 2015; and

WHEREAS, according to Paragraph 8 (Amendment) of the MOA, the MOA may be amended by an instrument in writing signed by the parties; and

WHEREAS, the parties wish to amend the MOA to extend the term for an additional year to May 30, 2016, as the respective duties of the parties have not been completed.

NOW THEREFORE, IT IS MUTUALLY AGREED AS FOLLOWS:

1. Paragraph 3 (Effective Date and Term) of MOA 2012-0068-UT/MS is amended by deleting paragraph 3 in its entirety and replace it with the following:

3. TERM

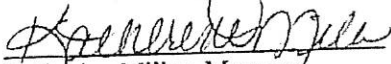
This agreement shall upon execution of the parties, become effective as of the date first written above (the Effective Date) and shall terminate May

30, 2016, unless earlier terminated pursuant to Paragraph 4 or 10 of this agreement.

2. All other provisions of MOA not specifically amended or modified by Amendment No. 1 and this Amendment No. 2 shall remain in full force and effect.

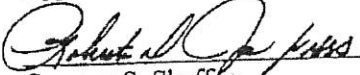
IN WITNESS WHEREOF, the parties have executed this Amendment No. 2 as of the date indicated above.

SANTA FE COUNTY


Katherine Miller, Manager
Santa Fe County


4-20-15
Date

Approved as to form:


Gregory S. Shaffer
Santa Fe County Attorney


4/10/15
Date

Finance Department

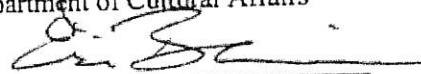

Carole H. Jaramillo
Director

4/15/15
Date

STATE OF NEW MEXICO, DEPARTMENT OF CULTURAL AFFAIRS

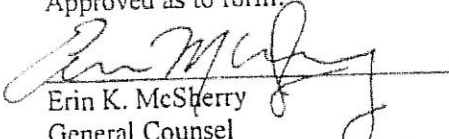


Veronica Gonzales, Secretary
Department of Cultural Affairs

4-28-15
Date


Eric Blinman, Director
Office of Archaeological Studies - DCA

4/27/15
Date

Approved as to form:


Erin K. McSherry
General Counsel
New Mexico Department of Cultural Affairs ~~& Treasurer~~ 

4/28/15
Date